

EXHIBIT “A”



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Case.netSearch for Cases by: [Judicial Links](#) | [eFiling](#) | [Help](#) | [Contact Us](#) | [Print](#)[Logon](#)**1122-AC14709 - MARIE K BACON V CARDWORKS SERVICING LLC ET AL****Case
Header****Parties &
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11/03/2011	Hearing Scheduled Scheduled For: 12/01/2011; 9:30 AM ; THOM C CLARK; City of St. Louis Hearing Continued/Rescheduled Hearing Continued From: 11/03/2011; 9:30 AM Hearing
10/05/2011	Summons Issued-Associate Document ID: 11-ADSM-10994, for CARDWORKS SERVICING LLC. Summons Issued-Associate Document ID: 11-ADSM-10993, for MERRICK BANK CORPORATION.
09/29/2011	Hearing Scheduled Associated Entries: 11/03/2011 - Hearing Continued/Rescheduled Scheduled For: 11/03/2011; 9:30 AM ; THOM C CLARK; City of St. Louis Pet Filed in Associate Ct Judge Assigned

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Released 11/09/2011



IN THE 22ND JUDICIAL CIRCUIT COURT OF CITY OF ST LOUIS, MISSOURI

Judge or Division: THOM C CLARK	Case Number: 1122-AC14709
Plaintiff/Petitioner: MARIE K BACON	Plaintiff's/Petitioner's Attorney/Address: RICHARD ANTHONY VOYTAS Jr. ONE CITY CENTRE, 15TH FLOOR SAINT LOUIS, MO 63101
Defendant/Respondent: CARDWORKS SERVICING LLC	Date, Time and Location of Court Appearance: 03-NOV-2011, 09:30 AM Division 27 CIVIL COURTS BUILDING 10 N TUCKER BLVD SAINT LOUIS, MO 63101
Nature of Suit: AC Other Tort	(Date File Stamp)

Associate Division Summons

The State of Missouri to: CARDWORKS SERVICING LLC Alias: C/O CSC LAWYERS INCORPORATING SERVICE CO 221 BOLIVAR STREET JEFFERSON CITY, MO 65101	COLE COUNTY
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You are summoned to appear before this court on the date, time, and location above to answer the attached petition. If you fail to do so, judgment by default will be taken against you for the relief demanded in the petition. You may be permitted to file certain responsive pleadings, pursuant to Chapter 517 RSMo. Should you have any questions regarding responsive pleadings in this case, you should consult an attorney.

If you have a disability requiring special assistance for your court appearance, please contact the court at least 48 hours in advance of scheduled hearing.

COURT SEAL OF

CITY OF ST LOUIS

October 5, 2011
Date

M. Jane Schweitzer
M. Jane Schweitzer
Circuit Clerk

Further Information:

Sheriff's or Server's Return

Note to serving officer: Service must not be made less than ten days nor more than thirty days from the date the Defendant/Respondent is to appear in court.

I certify that I have served the above summons by: (check one)

☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.

☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with _____ a person of the Defendant's/Respondent's family over the age of 15 years.

☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to _____ (name) _____ (title).

☐ other _____

Served at _____ (address)
in _____ (County/City of St. Louis), MO, on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

(Seal) Subscribed and sworn to before me on _____ (date).
My commission expires: _____ Date _____ Notary Public

Sheriff's Fees, if applicable

Summons \$ _____

Non Est \$ _____

Mileage \$ _____ (_____ miles @ \$ _____ per mile)

Total \$ _____

A copy of the summons and a copy of the petition must be served on each Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

IN THE CIRCUIT COURT FOR THE CITY OF ST. LOUIS
22ND JUDICIAL DIVISION
STATE OF MISSOURI

Marie K. Bacon

Plaintiff,

v.

Cardworks Servicing, LLC.

Serve at:

CSC-Lawyers Incorporating Service Co.

221 Bolivar Street

Jefferson City, MO 63105

And

Merrick Bank Corporation

Serve At:

Registered Agent Brian W. Jones

10705 Jordan Gateway Ste. 200

South Jordan, UT 84095

Defendants.

CASE NO. 1122-DC-14709

JURY TRIAL DEMANDED

PETITION

COMES NOW, Plaintiff, Marie K. Bacon, and for her Petition states as follows:

INTRODUCTION

1. This is an action for statutory damages brought by an individual consumer for violations of the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. § 1692 et seq.

JURISDICTION AND VENUE

2. This Court has jurisdiction of the FDCPA claim under 15 USC 1692k(d). Venue is appropriate in this Court because Defendants aimed their collection activity and committed the violations of the FDCPA described herein at and in the City of St. Louis, Missouri.

PARTIES

3. Plaintiff is a natural person currently residing in the City of St. Louis, Missouri. Plaintiff is a "consumer" within the meaning of the FDCPA.

4. The alleged debt Plaintiff owes that is relevant to this litigation arises out of consumer, family, and household purchases Plaintiff made using her Merrick Bank consumer credit card. Plaintiff has been unable to ascertain the validity of the debt.

5. Defendant Cardworks Servicing, LLC ("Cardworks") is a foreign limited liability company with its principal place of business in Old Bethpage, NY. The principal business purpose of Defendant is the collection of debts in Missouri and nationwide, and Defendant regularly attempts to collect debts alleged to be due another.

6. Defendant Cardworks is engaged in the collection of debts from consumers using the mail and telephone. Defendant is a "debt collector" as defined by the FDCPA, 15 USC 1692a (6).

7. Defendant Merrick Bank Corporation ("Merrick") is a foreign corporation with its principal place of business in Salt Lake City, UT.

8. Merrick was Plaintiff's original creditor.

9. Upon information and belief, Merrick controls, dominates and/or owns directly or indirectly Cardworks.

FACTS

10. Beginning in or about February, 2011, Cardworks began to undertake collection activity against Plaintiff on the alleged consumer debt that included at least one collection postcard dated February 18, 2011 and, to the best of Plaintiff's recollection, several telephone calls to Plaintiff's residence telephone ending in 0141.

11. Cardworks communicated with Plaintiff concerning the debt via postcard on February 18, 2011. This was Cardworks' initial collection communication with Plaintiff.

12. The postcard bore Cardworks name in a plainly visible location.

13. To an unsophisticated consumer, to Plaintiff, and to the general public,

Cardworks' name indicates that it is in the credit card debt collection business.

14. The postcard identified Cardworks as a bill collector and stated "this is an attempt to collect a debt."

15. The postcard failed to make any of the disclosures required by 15 U.S.C. § 1692g(a)(3-5).

16. Cardworks never subsequently made any of these disclosures to Plaintiff.

17. In the alternative and upon information and belief, Merrick designed, compiled, and furnished the postcard and sent the postcard or caused it to be sent to Plaintiff to intimidate Plaintiff into thinking that an independent third party bill collector was pursuing Plaintiff when, in reality, Cardworks was not involved in the collection of the debt.

18. Defendant's above described conduct caused Plaintiff to suffer actual loss in the form of distress and anxiety.

COUNT I: VIOLATIONS OF FAIR DEBT COLLECTION PRACTICES ACT

19. Plaintiff re-alleges and incorporates by reference all of the above paragraphs.

20. In its attempts to collect the alleged debt from Plaintiff, Defendant Merrick has committed violations of the FDCPA, 15 U.S.C. § 1692 *et. seq.*, including, but not limited to, violating 1692j(a).

WHEREFORE, Plaintiff respectfully requests that judgment be entered against Defendant for:

- A. Judgment that Defendant's conduct violated the FDCPA;
- B. Actual damages;
- C. Statutory damages, costs and reasonable attorney's fees pursuant to 15 USC 1692(k); and

D. For such other relief as the Court may deem just and proper.

COUNT II: VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT

21. Plaintiff re-alleges and incorporates by reference all of the above paragraphs.

22. In its attempts to collect the alleged debt from Plaintiff, Defendant Cardworks has committed violations of the FDCPA, 15 U.S.C. § 1692 *et seq.*, including but not limited to:

- a. Failing to make the disclosures required by 15 U.S.C. § 1692g(a).
- b. Engaging in collection conduct with the intent to annoy, abuse, or harass Plaintiff.

15 U.S.C. § 1692d,f.

- c. Falsely representing the character and amount of the debt. 15 U.S.C. § 1692e.
- d. Communicating with Plaintiff via postcard. 15 U.S.C. § 1692f.
- e. Using any language or symbol other than Defendant's address on an envelope


when communicating with Plaintiff by use of the mails. 15 U.S.C. § 1692f.

WHEREFORE, Plaintiff respectfully requests that judgment be entered against

Defendant for:

- A. Judgment that Defendant's conduct violated the FDCPA;
- B. Actual damages;
- C. Statutory damages, costs and reasonable attorney's fees pursuant to 15 USC 1692(k); and
- D. For such other relief as the Court may deem just and proper.

EASON & VOYTAS, LLC



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